

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RYAN REISS and
SHAWN REISS,

Plaintiff,

VS.

No. 3:18-cv-183

LIFE INSURANCE COMPANY OF NORTH AMERICA, a CIGNA Company, QUEST DIAGNOSTICS, INC., and EMMITT TINER,

Defendants.

DEFENDANT EMMITT TINER'S MOTION TO LIFT STAY

COMES NOW defendant EMMITT TINER, by and through his attorney P. K. Johnson,
V, of Johnson, Johnson & Nolan, and for his Motion, states:

1. On or about January 24, 2018, Plaintiffs, Ryan Reiss and Shawn Reiss, filed a three-count Complaint to Recover Proceeds of Life Insurance Policy in the Circuit Court of the Fourth Judicial Circuit, Effingham County, Illinois, in Case Number 18 CH 2.
2. On or about February 6, 2018, Defendant LINA filed a Notice of Removal, removing the cause of action to this Court, on the grounds that the group life insurance policy at issue is part of an employment welfare benefit plan within the definition of the Employee Retirement Income Security Act of 1974 ("ERISA") and seeks the same relief that is available under Section 502 of ERISA.
3. On or about August 1, 2018, this court entered an order staying this case until the final death certificate indicating the decedent's manner of death is issued.

4. On or about March 29, 2019, this court provide to the parties a Notice of Cancellation, canceling the scheduled bench trial and further providing that new dates will be determined once the Stay is lifted.

5. On or about May 8, 2019, counsel for Plaintiffs filed a Status Report with this court, attaching thereto a copy of the final death certificate of decedent Brenda Sue Reiss indicating the manner of her death.

WHEREFORE, pursuant to the previous orders and notices issued by this court, Defendant, Emmitt Tiner, respectfully requests that a court order be entered lifting the stay and for such other, further, and different relief as this court deems just and equitable.

/s/ P.K. Johnson, V _____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 1, 2019, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification to all parties of record.

/s/ P.K. Johnson, V _____